



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/682,418

10/10/2003

Masayuki Sumi

05905.0174

9609

22852

7590

03/17/2009

FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER
LLP

901 NEW YORK AVENUE, NW
WASHINGTON, DC 20001-4413

EXAMINER

HSU, RYAN

ART UNIT

PAPER NUMBER

3714

MAIL DATE

DELIVERY MODE

03/17/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/682,418	Applicant(s) SUMI ET AL.	
	Examiner RYAN HSU	Art Unit 3714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 December 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2 and 4-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2 and 4-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

In response to the amendments filed on 12/03/08, no claims have been amended.

Claims 2, 4-9 are pending in the current application.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2 and 4-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Satsukawa et al. (US 6,379,249 B1) and Kami et al. (US 5,853,324) and further in view of the game Max Payne (released on July 23, 2001) as evidenced by ‘Kasavin’s review’ from www.gamespot.com and the game review retrieved from www.giantbomb.com.

Regarding claims 7-9, Satsukawa teaches a computer program product including a computer program causing a computer system to execute processing for determining whether or not bullets that are virtually fired in response to an input operation of a player collide with an enemy-character that is computer controlled, and processing for displaying the enemy character in a virtual space viewed from a virtual viewpoint on a screen, the computer program causing the computer system to execute: a) determining whether or not a visual effect request for requesting visual effect processing is input by a player (*ie: the first player perspective of the virtual game where the player is interacting with the game the program waits for input*)(*see Fig. 2 and the related description thereof, col. 7: ln col. 18: ln 55*); (c) displaying circumstances in the virtual space where the

Art Unit: 3714

enemy-character is located based on a changed time scale (*ie: elapsed progression in the game*); (d) determining whether or not bullets that are virtually fired in response to an input operation of the player collide with the enemy-character being a shooting target or collide with bullets that are virtually fired from the enemy-character being a shooting target or collide with bullets that are virtually fired from the enemy-character and are shooting targets (*see col. 7: ln 28-65, col. 8: ln 36-60*); (e) displaying an image of the shooting target being shot at one the screen when bullets that are virtually fired responding to an input operation of the player collide with the shooting target (*ie: shoots a locust of bullets when player input is received*) (*see col. 8: ln 24-55*); (f) displaying a remaining time for the computer system to execute the display of circumstances (*see col. 9: ln 50-65*); (g) decreasing the remaining time in proportion to an elapse time in which the computer system executes the displaying of circumstances (*see col. 11: ln 13-col. 12: ln 62*). However, Satsukawa is silent with respect to the specific teaching of a running time limit or remaining time in proportion to the elapsed time to change such things as the display speed of the enemy-character and restoring a time scale when the remaining time is over.

In an analogous gaming patent, Kami et al. teaches the implementation of a shooting game where an elapsed time reduces in game play that decreases in proportion to an elapsed time in which the computer system executes the displaying of circumstances. Additionally, the system of Kami teaches the determining of whether or not the remaining time as the element of a running clock to accomplish tasks in a game adds an element of excitement to the game. However, as taught in Kami the remaining time may be restored to a normal value when a certain accomplishment or progression

Art Unit: 3714

through the game has been reached where the player may be awarded more time or the scale will be reset to a preset amount of time (*see time limit [380] of Fig. 3 and the related description thereof*). Furthermore, Kami et al. teaches determining whether or not a plurality of bullets that are virtually fired in response to an input operation of the player consecutively collide with the enemy-character or with bullets that are virtually fired from the enemy-character and increasing the remaining time more when the plurality of bullets that are virtually fired in response to an input operation of the player consecutively collides with bullets that are virtually fired from the enemy-character than when the plurality of bullets that are virtually fired in response to an input operation of the player consecutively collide with neither the enemy-character nor bullets that are virtually fired from the enemy-character (*see time limit [380] of Fig. 3 and the related description thereof, Fig. 8(a-c) and the related description thereof*). One would be motivated to incorporate such features into that of shooting game in order to create another layer of intensity within the game play. It would also require the player accomplish the goals in the game to progress and eliminate the enemy player-characters efficiently. Therefore it would have been obvious to one of ordinary skill in the art to modify the features taught in Satsukawa with that of Kami in order to create a computer program product that incorporated a time scale element that effected the progression of a video game at the time the invention was made. This would effectively create the predictable result of providing a means to increase the intensity and excitement in the player by having to clear a stage in an effective manner. However, although Satsukawa and Kami allow for a battle game to incorporate different time elements it is silent with respect to stating the ability to change “the time scale such that a display speed of at least

Art Unit: 3714

the enemy-character and each one of the bullets fired from the enemy-character become slower when the visual effect request about the time scale is input, wherein the time scale changes regardless of whether the bullets fired hit a target” and “displaying circumstances in the virtual space viewed from the virtual viewpoint on the screen where the enemy-character is located based on the changed time scale, wherein the time scale of the player in said displaying circumstances remains unchanged so that the player speed appears relatively faster than the speed of the enemy-character and the speed of each one of the bullets fired from the enemy-character”.

In an analogous shooting game, Max Payne teaches a feature commonly known as “bullet time”. “Bullet Time” is a method that was predominantly features in the film “The Matrix” and was later adapted to be used in video games. “Bullet Time” was incorporated into video games to provide a new character ability in which players could effectively slow down time and move around in a suspended time environment (*see Kasavin GameSpot review*). This gave the appearance of the player character to move faster than other characters (including enemy-characters). Through this process the player was able to appear relatively faster in speed and each one of the bullets fired from opposing characters (*see Giant Bomb review*). In the embodiment taught in Max Payne, the player would initiate the bullet time feature which would then slow the gaming environment down to provided the advantage of easily attacking and defeating enemy-characters. The bullet time feature was set up so that once the player initiated the feature the time scale would change regardless of whether the bullets fired hit a target (*see Kasavin GameSpot review*). The feature taught in Max Payne provided the predictable result of providing the player with a temporary advantage that is beneficial in shooting

Art Unit: 3714

games when players are bombarded with enemy-characters attacking them (*see Giant Bomb review*). One would be motivated to incorporate such a feature in a shooting game not only to provide a visually appealing experience but also an advantage to the player during the play of the game. Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the feature of "Bullet Time" into the gaming method taught by Kami and Satsukawa to provide the player with an enhanced visual experience and advantage against enemy characters to yield the predictable result of providing more enjoyable video game.

Regarding claim 2, Satsukawa discloses the computer program product wherein the computer program product causes the computer system to execute whether processing transitions to bullet fire wait status where a bullet is fired from the enemy-character to the player-character within a predetermined time, and if processing transitions to the bullet fire wait status, the computer program causes the computer system to determine whether the player input called for a visual effects request (*see Fig. 24 and the related description thereof, col. 12: ln 32-67*).

Regarding claim 4, Satsukawa disclose a computer program wherein the computer program product causes the computer system to determine whether the mode is a mode where two or more players play, and to update the remaining time so that the increasing amount of the remaining time when it is determined that the mode is a mode where two or more players play (*see col. 9: ln 39-col. 10: ln 30*), becomes different from the increasing amount of the remaining time in a mode where one player plays.

Regarding claim 5, Satsukawa disclose a program product wherein the computer program causes the computer system to determine whether or not the displaying of

Art Unit: 3714

circumstances with respect to the image display processing and visual effects is being executed and if it is determined that the image display processing with the visual effects is being executed, the computer program causes the computer system to execute image effects processing for changing the display mode visually before and after the image display processing with the visual effects is executed (*see Fig. 2 and the related description thereof, col. 8: ln 23-54*).

Regarding claim 6, Satsukawa disclose wherein the visual effect request input is a control signal, which is output to the computer system when a player steps on a foot pedal connected to the computer system (*see col. 8: ln 23-36*).

Response to Arguments

Applicant's arguments filed 12/03/08 have been fully considered but they are not persuasive. Applicant's representative states that "in '[b]ullet time'...all the action in the [g]ame is slowed, you can still aim as quickly as you can move your mouse,". The arguments dispute the characterization of 'bullet time' stating that it does not display "circumstances...wherein the time scale of the player in the said displaying circumstances remains unchanged so that the player speed appears relatively faster than the speed of the enemy-character and the speed of on of the bullets fired from the enemy-character". The Examiner respectfully disagrees. While the player's movement through the game field would be both adjusted to a slower state as observed by the applicant's representative it would still meet the limitations as required by the instant claims. Bullet Time does leave the time scale of the player unchanged in the sense that the player's firing and aiming abilities remain unchanged. Under such an interpretation, Max Payne's 'Bullet Time' does in fact alter the time scale while maintaining certain aspects of the

Art Unit: 3714

player to remain unchanged so that the player speed appears relatively faster than the speed of the enemy-character. Furthermore, expanding the speed difference to all aspects of the player character would only require routine skill in the art and therefore would be obvious especially in light of the state of the gaming art at the time this invention was made. As previously presented other games such as 'Diablo II' have shown a freezing ability that may be fired against all enemy-characters. In those circumstances the speed of the player character would remain unchanged while all of the enemy-characters would be slowed or appear slower than the player characters. Therefore the arguments presented by the applicant's representative are unpersuasive and do not overcome the prior art of record.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Art Unit: 3714

Any inquiry concerning this communication or earlier communications from the examiner should be directed to RYAN HSU whose telephone number is (571)272-7148.

The examiner can normally be reached on 9 :00-17:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Hotaling can be reached on (571)272-4437. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/John M Hotaling II/
Supervisory Patent Examiner, Art Unit 3714

RH
March 14, 2009